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Amdt date January 23, 2006
Reply to Office action of September 23, 2005

REMARKS/ARGUMENTS

In the Office action dated September 23, 2005, claims 13 - 17, 20, 21, 23 - 32 and 34 - 37 were rejected under 35 U.S.C. § 102. Claims 1 - 12, 18, 19 and 38 were allowed. Claims 22 and 33 were objected to as being dependent upon a rejected base claim, but were deemed allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

By this Amendment, Applicant has amended claims 19, 34 and 37. Reconsideration and reexamination are hereby requested for claims 1 - 38 that are pending in this application.

Response to the Objection to the Claims

The Examiner objected to claim 19 because the claim was dependent on claim 1 rather than claim 2. Applicant has amended claim 19 to be dependent on claim 2.

Response to the 35 U.S.C. § 102 Rejection of the Claims in view of Konig & Meyer

Claims 13, 15 - 17, 20 - 22, 24 - 32 and 34 - 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by Konig & Meyer, German Patent No. DE3604497 (hereafter referred to as "Konig"). Claims 13, 20, 28 and 37 are independent. Claims 15 - 17 depend on claim 13. Claims 21 - 22 and 24 - 27 depend on claim 20. Claims 29 - 32 and 34 - 36 depend on claim 28.

Independent claim 13

Applicant respectfully submits that independent claim 13 is not anticipated by or obvious in view of Konig because Konig does not teach or suggest all of the limitations of claim 13. For example, claim 13 recites, in part: "a pull pin plug fit into the space of the pin body, the pull pin plug having a hollow dimensioned to slidably contain the pull pin." Figures 2 and 3 of Konig only show an element 30 within which the pin 13 moves. There is no teaching or suggestion of using 1) "a pull pin body integral with the main body and extending radially outward from the central hollow, said pin body having a space therein extending into the central hollow" in

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conjunction with 2) "a pull pin plug fit into the space of the pin body" as set forth in claim 13. The Office action cites element 11 as teaching the "main body" and cites element 30 as teaching the "pull pin plug." However, the Office action does not refer to any specific structure in Figures 2 and 3 as teaching the "pull pin body." Applicant submit that Konig only teaches the use of two elements 11 and 30 and does not teach or suggest the use of the three claimed limitations ("a main body," "a pull pin body" and "a pull pin plug"). Moreover, Konig does not describe anything that fits the description of a "plug" as claimed.

Claim 13 also recites, in part, "the biasing member is disposed to bias the pull pin between the circumferential stop and the pull pin plug, and wherein the circumferential stop is dimensioned to prevent the pull pin from passing completely through the first hole in the first position." Applicant submits that Konig does not teach or suggest the claimed circumferential stop. Applicant refers the Examiner to the claim language regarding the first position and the second position: "a pull pin slidably disposed in the space of the pull pin body to move from a first position extending into the central hollow through the first hole to a second position outside of the central hollow."

Initially, Applicant notes that the Office action does not refer to any specific structure in Figures 2 and 3 as teaching the circumferential stop. Applicant assumes that the Examiner is referring to the stepped portion of the pin 13 near the right hand side of the pin 13 because it appears this may have some relationship with the spring 18 (cited by the Examiner as the biasing member). However, this stepped portion does not "prevent the pull pin from passing completely through the first hole in the first position" as claimed. For example, there is nothing in Konig that teaches or suggests that the stepped portion is dimensioned to prevent the pin 13 from passing completely through any of the holes 12. Rather, as best understood from Figures 2 and 3, the stepped portion could slide completely through any holes 12.

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Independent claim 20

Applicant respectfully submits that Konig does not teach or suggest all of the limitations of independent claim 20. For example, claim 20 recites, in part, "the main body is fixed against movement along the first rod or pole when the pull pin is in the second position." Initially, Applicant notes that Konig does not show a second position of the pin 13. Hence, any contention as to how Konig would be configured when the pin 13 is in such a second position is simply speculation. Such speculation is not a sufficient ground for an anticipation or obviousness rejection.

Alternatively, the clamping device 10 does not fix the main body against movement along the first rod or pole when the pull pin is in any position. First, the clamping device 10 engages pole 9 (cited by the Examiner as the second rod or pole), not pole 1 (cited by the Examiner as the first rod or pole). Hence, Konig does not teach or suggest fixing the main body against movement along the first rod or pole. Second, there is no teaching that the clamping device 10 would even be used when the pin 13 is in any type of second position.

Independent claim 28

Applicant respectfully submits that Konig does not teach or suggest all of the limitations of independent claim 28. For example, claim 28 recites, in part, "a pull pin plug having a hollow dimensioned to slidably contain the pull pin" and "the biasing member is disposed to bias the pull pin between the circumferential stop and the pull pin plug, and wherein the circumferential stop is dimensioned to prevent more than a predetermined length of the pull pin from extending into the central hollow in the first position." For reasons relatively similar to those discussed above in conjunction with claim 13, Konig does not teach or suggest a pull pin plug or a circumferential stop as claimed.

Independent claim 37

Applicant respectfully submits that Konig does not teach or suggest all of the limitations of amended independent claim 37. For example, claim 37 now recites, in part, "a main body,

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having a central hollow dimensioned to contain the first rod or pole, the main body extending around and abutting the end of the first rod or pole." The Examiner cites element 11 as teaching a main body. However, Konig teaches in Figures 2 and 3 that elements 29 and 24 (not element 11) abut the top end of the pole 1. Hence, Konig does not teach or suggest a "main body extending around and abutting the end of the first rod or pole."

In view of the above, Applicant respectfully submits that independent claims 13, 20, 28 and 37 are not anticipated by or obvious in view of Konig. The claims that depend on claim 13, 20, 28 or 37 also are patentable over Konig for the reasons set forth above. In addition, these dependent claims are patentable over the cited references for the additional limitations that these claims contain.

For example, claim 16 recites, in part: "the circumferential stop is dimensioned to prevent more than a predetermined length of the pull pin from extending into the central hollow in the first position." As discussed above, Konig does not teach or suggest that a circumferential stop as claimed in claim 13 (again assuming the Examiner is referring to the stepped portion) may be used to prevent the pin 13 from moving into, for example, the area of the poles.

Claim 17 recites, in part: "the main body comprises at least one resilient tab having a boss thereon extending into the central hollow to engage a second notch or hole of the first rod or pole." The Examiner cites Konig as disclosing a resilient tab at element 22. However, element 21 of element 22 engages portion 20 of the pole 9 (cited by the Examiner as the second rod or pole), not the pole 1 (cited by the Examiner as the first rod or pole). See Figures 2 and 3.

Claim 21 recites, in part: "the main body is fixed against movement along the first rod or pole in the second position by a boss extending between the main body and the first rod or pole." As discussed above in conjunction with claim 17, the element 21 cited by the Examiner engages portion 20 of the pole 9 (cited by the Examiner as the second rod or pole), not the pole 1 (cited by the Examiner as the first rod or pole).

Claim 22 recites, in part: "the boss is formed on a resilient tab on the main body, the boss extending into the central hollow to engage the third notch or hole of the first rod or pole." As discussed above in conjunction with claim 17, the element 21 cited by the Examiner engages

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portion 20 of the pole 9 (cited by the Examiner as the second rod or pole), not a notch or hole of the pole 1 (cited by the Examiner as the first rod or pole).

Claims 25 and 36 recite, in part: "the pull pin body is integral with the main body." The Examiner states that the pull pin body of Konig is integral with the main body 11. The Office action does not refer to any specific structure in Figures 2 and 3 as teaching the "pull pin body." Applicant assumes for the purpose of argument that the Examiner refers to element 30 in Figure 2. However, as illustrated by the lines defining the boundaries of element 30 and element 11 and as further illustrated by the different orientation of the cross-hatching within these elements, element 30 is not integral with element 11 but is instead a separate element that adjoins element 11.

Claim 26 recites, in part: "a pull pin plug having a hollow dimensioned to slidably contain the pull pin; and a circumferential stop on the pull pin dimensioned to prevent more than a predetermined length of the pull pin from extending into the central hollow in the first position, wherein the biasing member is disposed to bias the pull pin between the circumferential stop and the pull pin plug." For reasons relatively similar to those discussed above in conjunction with claim 13, Konig does not teach or suggest the use of a "main body," a "pull pin body" and a "pull pin plug." For reasons relatively similar to those discussed above in conjunction with claims 13 and 16, Konig does not teach or suggest a circumferential stop and a biasing member as claimed.

Claims 27 and 29 recite, in part: "the pull pin plug is friction fit into the space of the pull pin body." As discussed above in conjunction with claim 13 Konig does not teach or suggest a pull pin plug as claimed. Moreover, Konig provides no indication that any elements are friction fit.

Claim 30 recites, in part: "the main body is fixed against movement along the first rod or pole when the pull pin is in the second position." As discussed above in conjunction with claim 20, Konig does not teach or suggest any particular configuration in a second position of the pin 13. Moreover, Konig fails to teach or suggest the specific limitation of the main body being fixed again movement along the first rod or pole as discussed above.

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Claim 31 recites, in part: "the main body is fixed against movement along the first rod or pole by a boss extending between the main body and the first rod or pole." As discussed above in conjunction with claim 21, Konig does not teach or suggest a boss extending between a main body and a first rod or pole.

Claim 32 recites, in part: "the first rod or pole further comprises a third notch or hole and wherein the boss is formed on a resilient tab, the boss extending into the central hollow to engage the third notch or hole of the first rod or pole." As discussed above in conjunction with claim 21, Konig does not teach or suggest a boss engaging a notch or hole of the first rod or pole.

Response to the 35 U.S.C. § 102 Rejection of the Claims in view of Takayama

Claims 13 - 16, 20, 24 - 30 and 34 - 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by Takayama, U.S. Patent No. 6,508,262 (hereafter referred to as "Takayama"). Claims 13, 20, 28 and 37 are independent. Claims 14 - 16 depend on claim 13. Claims 24 - 27 depend on claim 20. Claims 29, 30 and 34 - 36 depend on claim 28.

Independent claim 13

Applicant respectfully submits that independent claim 13 is not anticipated by or obvious in view of Takayama. Claim 13 recites, in part: "a first rod or pole, having a first hole; a second rod or pole, having a second hole, the second rod or pole being slidably contained within the first rod or pole, so that the first hole is superimposable on the second hole" and "a biasing member biasing the pull pin toward the first position to relatively lock the first rod or pole and the second rod or pole when the first hole is superimposed on the second hole." The Office action cites the pole 11, the pole 10 and the spring 31 of Takayama (See Figure 3) as teaching the claimed first rod or pole, second rod or pole and biasing member, respectively.

However, in the position shown in Figure 3 (the coupler 5 slid up on pole 11) the latch 30 does not interact with the pole 11. Rather the latch 30 passes through the pipe sleeve 18 and the pole 10. This position is described at column 4, lines 51 - 59 ("the movable coupler fastening means 7 includes an engaging hole 29 which passes the stopper 4 and the upper pole 10, a latch

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30 provided on the movable coupler 5 to engage with the engaging hole 29, a spring 31 that presses the latch 30 into the engaging hole 29") and at column 5, lines 28 - 34:

When the movable coupler 5 comes to rest on the stopper 4, the projection 34 of the movable coupler fastening means 7 is fit into the groove 35, and the spring 31 forces the tip of the latch 30 to engage the engaging hole 29. Thus, the movable coupler fastening means 7 is put in an engaged position, and the movable coupler 5 is kept from moving down.

Moreover, in the position shown in Figure 5 (the coupler 5 slid down on pole 11) the latch 30 does not interact with the holes in the pole 11. Rather, the latch 30 is placed in a disengaged position such that it is completely withdrawn from the holes. This position is described at column 5, lines 44 - 59:

To collapse the folding tent frame, the movable coupler fastening means 7 is put in the disengaged position, and the upper pole 10 is withdrawn into lower pole 11 as shown in FIG. 1(b). . . . The movable coupler 5 is slid from the stopper 4 down to the lower end of the lower pole 11 as shown in FIG. 1(c).

To put the movable coupler fastening means 7 in the disengaged position, the latch 30 is pulled with a finger placed in the ring 33 and turned by a certain angle. Then, the projection 34 gets out of the groove 35 and rests on the end face of the movable coupler 5. In this way, the latch 30 is put in a disengaged position from the engaging hole 29 as shown in FIG. 5.

From the above it is apparent that Takayama does not teach or suggest "a biasing member biasing the pull pin toward the first position to relatively lock the first rod or pole and the second rod or pole when the first hole is superimposed on the second hole" as set forth in claim 13.

Independent claim 20

Claim 20 also includes a limitation of "a biasing member biasing the pull pin toward the first position to relatively lock the first rod or pole and the second rod or pole when the first hole is superimposed on the second hole." For reason similar to those just discussed in conjunction

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with claim 13, Applicant submits that Takayama does not teach or suggest all of the limitations of claim 20.

Moreover, claim 20 also recites, in part "the main body is fixed against movement along the first rod or pole when the pull pin is in the second position." As discussed above, however, when the latch 30 is in the position illustrated in Figure 5 the coupler 5 moves freely with respect to the pole 11. See, for example, Takayama at column 5, line 65 - column 6, line 2 ("The stopper 4 is in contact with, and continues with, the lower pole 11 as shown in FIG. 5, and that allows the movable coupler 5 to slide from the stopper 4 to the lower pole 11 smoothly.").

Applicant therefore respectfully submits that independent claim 20 is not anticipated by or obvious in view of Takayama.

Independent claim 28

Claim 28 also includes a limitation of "a biasing member biasing the pull pin toward the first position to relatively lock the first rod or pole and the second rod or pole when the first hole is superimposed on the second hole." For reason similar to those discussed in conjunction with claim 13, Applicant submits that Takayama does not teach or suggest all of the limitations of claim 28.

Independent claim 37

Claim 37 also includes a limitation of "a biasing member biasing the pull pin toward the first position to relatively lock the first rod or pole and the second rod or pole when the first hole is superimposed on the second hole." For reason similar to those discussed in conjunction with claim 13, Applicant submits that Takayama does not teach or suggest all of the limitations of claim 37.

Claim 37 also recites, in part: "a main body, having a central hollow dimensioned to contain the first rod or pole, the main body extending around the end of the first rod or pole." The Office action states that this limitation is met by Takayama's "main body 5, 12."

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As shown in Figures 3 and 5 of Takayama the coupler 5 does not extend around the end of the pole 11. This is consistent with the purpose of the structure of Takayama where the movable coupler 5 needs to freely slide along the outside of the pole 11 to move between the positions of Figures 3 and 5 as discussed above.

The sliding piece 12 is not a part of the movable coupler 5. Rather, the sliding piece 12 shown in Figure 3 is attached to the pole 11. See the upper portion of Figure 5 of Takayama and column 3, lines 60 - 66 ("The upper pole 10 is provided with a sliding piece 12 made of a synthetic resin, such as nylon or other suitable material, over the outside surface of a lower section which slides on the inside surface of the lower pole 11. The lower pole 11 is also provided with the same sliding piece 12 over the inside surface of an upper section, which slides on the outside surface of the upper pole 10. ").

In view of the above, Applicant respectfully submits that independent claims 13, 20, 28 and 37 are not anticipated by or obvious in view of Takayama. The claims that depend on claim 13, 20, 28 or 37 also are patentable over Takayama for the reasons set forth above. In addition, these dependent claims are patentable over the cited references for the additional limitations that these claims contain.

For example, claim 14 recites, in part: "said pull pin plug comprises a radial groove." Takayama makes no mention of a pull pin plug that comprises a radial groove.

Claims 15, 24 and 35 recite, in part: "the main body extends around [the][an] end of the first rod or pole." The Office action states that this limitation is met by Takayama's "main body 5, 12." For reasons similar to those discussed above in conjunction with claim 37, the movable coupler 5 and sliding member 12 of Takayama do not teach or suggest the claimed limitation.

Claims 27 and 29 recite, in part: "the pull pin plug is friction fit into the space of the pull pin body." Takayama says nothing regarding any of the components in the tent frame being friction fit.

Claim 30 recites, in part: "the main body is fixed against movement along the first rod or pole when the pull pin is in the second position." For reasons similar to those discussed above in

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conjunction with claim 20, Applicant submits that Takayama does not teach or suggest this limitation.

Amended claim 34 recites, in part: "the first rod or pole extends vertically above a top of the second rod or pole." Figures 1, 3 and 5 of Takayama illustrate that the pole 11 lies below the top of the pole 10.

CONCLUSION

In view of the above remarks Applicant submits that the claims are patentably distinct over the cited references and that all the objections/rejections to the claims have been overcome. Reconsideration and reexamination of the above application is requested.

Respectfully submitted,
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